

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1018 - HB 1565

April 5, 2021

**SUMMARY OF BILL:** Revises the definition of multiple offender to exclude a conviction occurring 10 or more years prior the commission of the offense for which the offender is being sentenced. Revises the definition of persistent offender to exclude a conviction occurring 15 or more years prior the commission of the offense for which the offender is being sentenced.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures – \$6,099,900 Incarceration\***

**Other Fiscal Impact -** The estimated first year savings in FY21-22 will be \$35,400 and future savings of \$2,498,600 in FY22-23. Savings will continue to grow annually as new offenders' sentences are reduced.

Assumptions:

- Current sentence range and offender types are outlined in the table below.

Class	Range I				Range II		Range III			
	Mitigated		Standard		Multiple Offender		Persistent Offender		Career Offender	
	0.2		0.3		0.35		0.45		0.6	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
A	2.7	4.5	4.5	7.5	8.75	14	18	27	24	36
B	1.6	2.16	2.4	3.6	4.2	7	9	13.5	12	18
C	0.6	1.08	0.9	1.8	2.1	3.5	4.5	6.75	6	9
D	0.4	0.72	0.6	1.2	1.4	2.8	3.6	5.4	4.8	7.2
E	0.2	0.36	0.3	0.6	0.7	1.4	1.8	2.7	2.4	3.6

- The proposed legislation will result in offenders currently sentenced as multiple offenders due to the inclusion of a conviction occurring 10 or more years prior to the commission of the current offense to be sentenced as standard offenders.
- Based on information provided by the Department of Correction (DOC), the table below includes the estimated decrease in incarceration expenditures resulting from changes in sentencing from multiple offenders to standard offenders:

Multiple to Standard				
Class	# of Offenders	Estimated Decrease in days	Daily Rate	Estimate
A	1.81	1,636.32	\$80.46	\$238,302
B	35.74	777.98	\$80.46	\$2,237,191
C	64.98	409.08	\$80.46	\$2,138,789
D	30.32	241.07	\$80.46	\$588,102
E	29.97	226.46	\$80.46	\$546,083
<b>Total</b>				<b>\$5,748,466</b>

- The proposed legislation will result in offenders currently sentenced as persistent offenders due to the inclusion of a conviction occurring 15 or more years prior to the commission of the current offense to be sentenced as multiple offender offenders.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any time impacted by the proposed legislation impacting sentences exceeding 10 years in length surpass the window of this analysis.
- Based on information provided by DOC, the table below includes the estimated decrease in incarceration expenditures resulting from changes in sentencing from persistent offenders to standard offenders.

Persistent to Multiple				
Class	# of Offenders	Estimated Decrease in days	Daily Rate	Estimate
A	N/A	-	-	-
B	0.36	927.74	\$80.46	\$26,873
C	3.61	675.71	\$80.46	\$196,267
D	2.17	336.03	\$80.46	\$58,670
E	2.52	343.34	\$80.46	\$69,615
<b>Total</b>				<b>\$351,425</b>

- Pursuant to Tenn. Code Ann. § 9-4-210, the total decrease in state incarceration expenditures is estimated to be \$6,099,891 (\$5,748,466 + \$351,425).
- The proposed legislation applies to offenses committed on or after July 1, 2021. It's reasonable to assume any releases resulting from the proposed legislation will not occur until at least January 2022. The estimated first year savings in FY21-22 will be \$35,419.49 and future savings of \$2,498,587 in FY22-23. Decreased incarceration expenditures will continue to grow annually as new offenders' sentences are reduced.

\*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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